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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,339	02/12/2002	Charles E. Taylor	SHPR-01041USP SRM	5846
23910	7590	10/08/2003	EXAMINER	
FLIESLER DUBB MEYER & LOVEJOY, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			TRAN. THAO T	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/074,339	TAYLOR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thao T. Tran	1711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Pat. 4,789,801).

Lee teaches an ion generator and an air conditioner (loud speaker), comprising a first array of electrodes; a second array of electrodes downstream from the first array; and a voltage generator coupled to the electrodes to create an airflow from the first to the second electrodes; the first electrodes being ion emitters and wire-shaped, whereas the second electrodes ion collectors (see Figs. 2-3; col. 5, ln. 37-65; col. 6, ln. 26-42).

The first electrodes in Lee's invention are not slack, curved, or coiled. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, that specific configurations of the electrodes would have been an obvious matter of design choice. Since the first electrodes in Lee's invention are also emitter electrodes, they would work equally well whether they are straight, curved, coiled, or slack. This is because the electrodes emit ions from their surface. Furthermore, Applicants have not disclosed the advantages of the electrodes having this particular configuration over other configurations.

Art Unit: 1711

In regards to claims 23, 25-28, and 37-39, it has been settled within the skill in the art that the manner of operation, intended use, or how the product is made, would have insignificant patentable weight when an apparatus claim is being considered. See MPEP 2114.

In regards to claims 30-31, 35, although Lee does not teach a specific size of the electrodes, it has been within the skill in the art that specific sizes are relative dimensions that would have been merely determined by routine experimentation in order to bring forth maximal benefits attendant therewith. Moreover, Applicants have not disclosed whether these specific sizes of the electrodes would have advantages over other sizes.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakibara et al. (US Pat. 4,643,745).

Sakakibara teaches an ion generator, comprising a first array of electrodes; a second array of electrodes downstream of the first array; a voltage generator coupled to the electrodes to create an airflow from the first to the second electrodes; the first electrodes being ion emitters and wire-shaped, whereas the second electrodes ion collectors (see Figs. 1-4, 10; col. 2, ln. 57-67; col. 3, ln. 46-67).

Sakakibara's first electrodes are not slack, curved, or coiled. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, that specific configurations of the electrodes would have been an obvious matter of design choice. Since the first electrodes in Sakakibara's invention are also emitter electrodes, they would work equally well whether they are straight, slack, curved, or coiled. This is because the electrodes emit ions from their surface. Furthermore, Applicants have not disclosed the advantages of the electrodes having this particular configuration over other configurations.

Art Unit: 1711

In regards to claims 23, 25-28, and 37-39, it has been settled within the skill in the art that the manner of operation, intended use, or how the product is made, would have insignificant patentable weight when an apparatus claim is being considered. See MPEP 2114.

In regards to claims 30-31, 35, although Sakakibara does not teach a specific size of the electrodes, it has been within the skill in the art that specific sizes are relative dimensions that would have been merely determined by routine experimentation in order to bring forth maximal benefits attendant therewith. Moreover, Applicants have not disclosed whether these specific sizes of the electrodes would have advantages over other sizes.

#### *Contact Information*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 703-306-5698. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

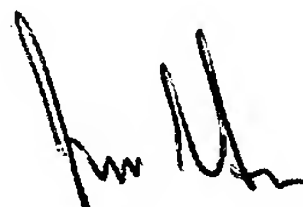
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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October 1, 2003



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700